

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
February 10, 2009**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Ryan Thomason, Vice-Chair  
Bill De Soto  
Bill Taylor (absent)  
Curtis Seebeck  
Allen Shy  
Cecil Pounds  
Jim Stark  
Randy Bryan

**City Staff:**

Chuck Swallow, Director of Development Services  
Chance Sparks, Development Planning Manager  
Bill Couch, Development Projects Coordinator  
Francis Serna, Recording Secretary

**2. Call to Order and Announce a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday February 10, 2009 in the Council Chambers of the City of San Marcos City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience and the television viewers.

**4. Executive Session**

There were no discussions.

**5. Citizen Comment Period**

Lupe Torres, P.O. Box 47 Kyle, 78640, spoke in support of the zoning change request for property located at 633 Uhland Rd. Mr. Torres stated that he was not sure what the situation is with the adjacent property owners but is in support of future growth for the city. Mr. Torres pointed out that new development will increase property value.

**6. LUA-08-13. Hold a public hearing and consider a request by Sharon Peters for a land use amendment from Low Density Residential (LDR) to Mixed Use (MU). Subject area includes 1420 Hopkins (0.285 acres of land known as Lot 6 Block 1 of the Carroll & Hofheinz Subdivision.)**

Chance Sparks advised the Commission that the request is not in conformance with policy decisions for similarly located properties and is inconsistent with the Horizons Master Plan and the Sector 1 Plan. He explained that the Horizons Master Plan was written in 1996, which predates the Land Development Code in which amendments have been made and new zoning districts have been created. Mr. Sparks added that the area is a transitional neighborhood area which is integrated with mixed use and current zoning uses. Staff referred the request to the Planning Commission for their interpretation of the request.

Chair Bishop opened the public hearing. Sharon Peters, resident at 121 Cascade Trail, San Marcos, Texas and owner of the property located at 1420 W. Hopkins Street stated that her goal is to develop a real estate office in the future. She added that the location of the property is surrounded by Commercial zoning as well as on San Antonio and Hopkins Street. Ms. Peters informed the Commission that she spoke to neighbors and received seven letters in support and one letter stating that they were not opposed to the request. There were no additional citizen comments and the public hearing was closed.

Bill Couch informed the Commission that staff received one phone call in opposition of the request.

Commissioner Thomason, Shy and Bryan spoke in support of the request.

Commissioner Pounds commented that he had an issue with the impervious cover and stated that parking would be an issue. Mr. Couch pointed out that impervious cover for the site would be 60% and the applicant could meet the requirement.

Bill Couch advised the Commission that the proposed use will meet the parking requirements as submitted.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Stark the Commission voted eight (8) for and zero (0) opposed, to approve the land use amendment from Low Density Residential (LDR) to Mixed Use (MU). The motion carried unanimously. Commissioner Taylor was absent.

**7. ZC-08-19. Hold a public hearing and consider a request by Sharon Peters for a zoning change for from Single Family Residential (SF-6) to Mixed Use (MU). Subject area includes 1420 Hopkins (0.285 acres of land known as Lot 6 Block 1 of the Carroll & Hofheinz Subdivision.)**

Bill Couch stated that the applicant, Sharon Peters, is available to answer questions.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan the Commission voted eight (8) for and zero (0) opposed, to approve the zoning change from Single Family Residential (SF-6) to Mixed Use (MU). The motion carried unanimously. Commissioner Taylor was absent.

**8. LUA-09-01. Hold a public hearing and consider a request by Sean and Heidi Trevithick for a land use amendment from Low Density Residential (LDR) to Mixed Use (MU). Subject area includes 633 Uhland Road (1.01 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County.)**

Chance Sparks gave a brief overview of the staff report. He stated that the request is consistent with the policy statement and the Horizons Master Plan. Staff recommended approval of the request.

Chair Bishop opened the public hearing.

Mary Deleon, resident at 703 Uhland Road, which is located adjacent to the empty lot, asked if Mr. Torres knows what the applicant is proposing to build on the lot. Ms. Deleon also inquired if a restaurant was allowed in a Mixed Use zoning district. Chance Sparks advised that a coffee shop is allowed and usually a low traffic business because the impervious cover restricts the allowable parking. He added that a very small restaurant is allowed. Ms. Deleon also inquired if a restaurant serving alcohol was allowed. Chance Sparks advised that a restaurant serving alcohol was not allowed in a Mixed Use zoning district.

Bill Couch announced that staff received on e letter in opposition to the request.

Shawn Trevithick, 8909 Romaine Lane, Austin, Texas, stated that he and his wife's goal is to open a coffee shop which will fit in with a low density neighborhood. The business would not be large enough to increase traffic. Mr. Threvithick mentioned that they will be using green building methods and intend to work with residents to address any issues or concerns that may arise. He stated he was available to answer questions.

Josefina Santos, 110 Saddleblanket Trail, Buda, Texas, explained that the property belonged to her parents. She pointed out that the neighbors have a business and that she does not understand why they always have a problem when they try to sell their property. Ms. Santos felt that they should have an opportunity to develop a business on the property.

Paula Rodriguez, 706 Uhland Road, asked for the hours of operation of the coffee shop. She said that traffic is an issue on Uhland Road and felt the business would increase traffic.

Isabel Deleon, owner of the machine shop adjacent to the property stated that he is not opposed to any use and has never against the purchase of the property. He stated that we wants to have neighbors and is willing to work with the applicant.

There were no additional citizen comments and the public hearing was closed.

Commissioner Shy inquired on the hours of operation.

Heidi Trevithick responded that the hours of operation would be between 7:00 a.m. through 10:00 p.m. She added that they have submitted a business plan but that the hours of operation may change. Ms. Trevithick stated they will be respectful to the neighbors and plan to add landscaping.

Sean Trevithick stated that in response to the traffic, Uhland Street is scheduled to be widened according to the City's Master Plan.

Staff was unable to identify when the widening of Uhland Street was scheduled.

Commissioner Bryan asked the applicant why they chose 633 Uhland as potential property.

Sean Trevithick stated that they will be able to start from scratch on vacant property, the property is also close to campus and that they do not wish to locate too far out of town. Mrs. Trevithick added that they think people in the area would walk and bike to the business instead of driving.

Commissioner Pounds asked Mr. Deleon how many vehicles he could park at his mechanic shop.

Isabel Deleon stated that he can park four vehicles. He added that his business does not create traffic to the business.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Stark the Commission voted seven (7) for and one (1) opposed, to approve the land use amendment from Low Density Residential (LDR) to Mixed Use (MU). The motion carried unanimously. Commissioner Taylor was absent.

**9. ZC-08-22. Hold a public hearing and consider a request by Sean and Heidi Trevithick for a zoning change from Single Family Residential (SF-6) to Mixed use (MU) for property located at 633 Uhland Road.**

Bill Couch explained that the zoning change request to Mixed Use would require the applicant to install a landscape buffer from single family properties. The applicant is in agreement to install a buffer. Staff recommended approval of the request.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Shy the Commission voted eight (8) for and one (0) opposed, to approve the zoning change from Single Family Residential (SF-6) to Mixed Use (MU). The motion carried unanimously. Commissioner Taylor was absent.

**10. ZC-09-01. Hold a public hearing and consider a request by David McClendon with Bazan Construction for a zoning change from Community Commercial (CC) to Mixed Use (MU) for property located at 413 Riverside Drive.**

Chance Sparks explained that the applicant is requesting a zoning change to allow him to redevelop his property as a small-scale mixed use project, with a personal residence, office and walk-up restaurant/snack-bar business. The request is consistent with Section 1.5.1.5 of the Land Development Code as noted in the staff report. Staff recommended approval of the request.

Chair Bishop opened the public hearing.

Carlos Hernandez, Bazan and Hernandez Architects, representing the owner stated he was available to answer questions.

There were no additional citizen comments and the public hearing was closed.

Commissioner Pounds inquired if the existing building will be demolished.

Carlos Hernandez explained that the existing structure will remain. In addition, a two story living quarters will be added to the back of the property. Mr. Hernandez stated that some of the concrete will be replaced with landscaping. He added that the business will consist of a walk up tube rental and snack sales.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck the Commission voted eight (8) for and none (0) opposed, to approve the zoning change from Community Commercial (CC) to Mixed Use (MU). The motion carried unanimously. Commissioner Taylor was absent.

**11. Hold a public hearing and consider a request by Larry Peel and Co, Inc, for qualified watershed protection plan phase one, a land use amendment and zoning change for a 25 +/- acres of land located north of Wonder World Dr. between Hunter Rd. and Dutton Dr.**

Bill Couch introduced the applicant, Larry Peel, with Larry Peel & Company and advised that Mr. Peel would give a power point presentation on Purgatory Creek.

Larry Peel, the applicant, gave a brief presentation.

Ed Theriot, ETR Development Consulting, representing the applicant, addressed issues that were discussed at the January 27, 2009 Planning Commission meeting. He explained that the intention is to develop as a Class A - non student project which will include a lower density multi-family community with higher rent levels. In addition, the apartments are leased by the unit, not the bedroom and strict occupancy regulations will be enforced. Mr. Theriot addressed parking stating that the project will provide a ratio of 1.9 parking spaces per unit. Mr. Theriot also gave a brief overview of the Traffic Impact Analysis and Traffic Impact Comparison. He added that they were available to answer questions.

Mark Wheeler, co owner of the property stated that he has a long history in San Marcos. He explained that they bought the property approximately five to six years ago and planned on putting an Albertson's grocery store on the property. Later, HEB looked at the site and decided they couldn't invest in the property. Mr. Wheeler stated that after many studies it was determined that a small community and neighborhood is needed for local residents. He added that there is a large need for multi-family housing for executive type citizens.

Chair Bishop opened the public hearing.

Diane Wassenich, 1101 Tangelwood, pointed out that she was speaking on behalf of an individual and not on behalf of the River Foundation. She stated that the proposed project is a lovely apartment complex, although water is an issue. Ms. Wassenich stated she was very concerned about the lake in the middle of the apartment complex which will evaporate water throughout the year and is not a sensible use of water. She explained that the Trinity is an aquifer that can be drilled into, but is in more trouble of over pumping. Ms Wassenich stated that when new facilities are developed they should not plan on wasting more water. She asked the Commission to pay close attention to watershed issues along Purgatory Creek.

Chuck Blue, 1001 W. San Antonio, spoke in opposition to zoning change. He mentioned that years ago neighbors, staff and the Planning Commission spent allot of time reviewing the zoning within the area and felt that Commercial zoning was appropriate for the area. Mr. Blue pointed out that a Commercial developed area can easily be changed over time. He stated that an apartment complex will add to the traffic situation and will force traffic onto Hopkins Street. Mr. Blue suggested that the Commission vote in opposition to the request.

Jennifer Rogers- 623 Hopkins spoke in opposition to the request. She stated that Hopkins Street is a cluster in the morning. She added that targeted citizens to reside at the apartment complex will probably have 8-5 jobs which will add to the traffic issues. Ms. Rogers said that the residents of Hopkins Street have worked very hard to create Hopkins Street Historic District and felt that approval for the request would be a move backwards.

Ollie Giles, 524 Valley Street, asked when Purgatory Creek was taken out of the floodplain. She stated that traffic is a mess on Hopkins Street going through residential neighborhoods. Ms. Giles pointed out that the city does not need any more apartments on Hopkins Street. She stated that Hopkins is two lanes and the traffic is packed up in the evening. Ms. Giles spoke in opposition to the request. She asked the Commission to vote against the request.

Rob York, 1804 Hunter Road, stated he is located approximately 1000 yards from the proposed development. Mr. York expressed concerns regarding traffic on Hopkins and flooding of Purgatory Creek. He stated that it takes five minutes to cross the street to get to Purgatory Creek and when crossing the street he is taking his life into his hands. Mr. York commented that he does not want to see more traffic fatalities. He added that he has two children that cross the street and it is very dangerous. Mr. York also stated that the dam was built to protect the city, not to protect two story homes. He asked the Commission to vote against the request.

Elizabeth Yarbrough, 918 N. LBJ, commented that the proposed development doesn't want students living there, if students can afford it they can live there and they cannot discriminate against college student. She felt that the city does not need additional student housing. Ms. Yarbrough mentioned that students would not drive around Wonder World Drive to get to the University; she felt that the students will continue to take Hopkins Street.

Griffin Spell, 101 W. Wood Street, stated that his main concern is traffic on Hopkins Street. Mr. Spell commented that with the current traffic and water issues the project should be addressed at a later date after the issues have been resolved. He pointed out that he is currently against the proposed project and asked the Commission to vote against the request.

Diane Furry, 811 W. San Antonio, concurred with all the previous comments. She added that San Marcos is a beautiful little town and will eventually grow in the area. Ms. Furry asked the Commission to consider flooding and traffic and to vote against the request.

Carl Furry- 811 W. San Antonio stated that he has lived in San Marcos for approximately 3 years and love it. He pointed out that it takes over a century to build a neighborhood but, it will only take seconds to change with approval of the request. Mr. Furry mentioned his is not against anyone making a buck, but approval of the request is a lasting impact of the adjacent Historic Districts. He asked the Commission to take into consideration all the issues related to the development.

Elly Stuart, 1253 W. San Antonio, where she has lived since 1971, stated that she has seen the Historic District develop into the lovely place that it is, which a treasure in San Marcos is. She pointed out that she saw an article that someone named San Marcos as one of the 100 best cities to live in because of the Historic Districts. Ms. Stuart stated she was on committee for the Wonder World Drive extension and the main purpose is to take the traffic off of Hopkins Street. She felt that the apartments would encourage more traffic on Hopkins.

Amy Kirwin, 1131 Martin Luther King, stated she agrees with other speakers. She pointed out that students will not use the Wonder World Drive extension to get to campus. Ms. Kirwin mentioned that the University is looking to develop a parking garage that will help with traffic. She felt that there would be a better opportunity for people to use the Wonder World Drive extension if the property remained Commercial zoning. Ms. Irwin added that property tax and sales tax should also be considered. She stated that flooding is also a problem. Ms. Irwin commented that the Commission should consider the Carson tract which would set precedent if the request is approved to multi family.

Tom Wassenich, 1101 Tanglewood, stated that he was on the Transportation Board for five years and worked to get Wonder World Drive funded. The main reason he supported the project was to preserve the Hopkins Street Historic District. Mr. Wassenich added that the Wonder World Drive extension is anticipated to reduce traffic on Hopkins and San Antonio Street. He pointed out that there are not many neighborhoods left and that by approving the request the Commission will run citizens out of town or to restricted neighborhoods. Mr. Wassenich commented that the traffic problem increases depending on where apartments are developed and where the traffic will flow. He asked the Commission to consider the issues and oppose the request.

There were no additional citizen comments and the public hearing was closed.

**a. WPP1-08-0013: Qualified Watershed Protection Plan Phase I for a 25.371 acre tract out of the J.M. Veramendi Survey No. 1, Abstract No. 17, Hays Co., TX.**

Kathy Woodlee advised the Commission that a watershed protection plan is required prior to platting property when there is floodplain reclamation proposed. She explained that there is a minor amount of floodplain reclamation. Ms. Woodlee gave a brief overview of the staff report. She added that MF-18 zoning impervious cover is limited to 75% and 80% on General Commercial zoning. In addition, the applicant will be required to adhere to flood plain regulations. Ms. Woodlee pointed out that the size of the lake will serve as a detention pond and that the size will be determined in Phase II of the Watershed Protection Plan. Ms. Woodlee pointed out that the requirements of the Land Development Code have been met and staff recommended approval of the request.

The Commission expressed concerns regarding impervious cover. Kathy Woodlee explained that by approving the Watershed Protection Plan does not limit the impervious cover. The impervious cover is voted on during the PDD.

Commissioner Bryan inquired about the detention pond and the well.

Kathy Woodlee commented that a well is not proposed at this time.

Ed Theriot, ETR Development Consulting, state that the well is not being incorporated or proposed at this time.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck the Commission voted seven (7) for and one (1) opposed, to approve the qualified watershed protection plan phase one contingent upon the approval of LUA-08-15, ZC-09-02, and PDD-08-07. The motion carried unanimously. Commissioner Taylor was absent.

**b. LUA-08-15: Future Land Use Map Amendment from General Commercial, Community Commercial and Open Space to High Density Residential. Subject area includes (Parcel 1 - Lot 4 Hunters Crossing) 12.75 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County and (Parcel 2 - Carson Tract) 9.76 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County Texas.**

Chance Sparks advised the Commission that the Horizons Master plan offers support for the proposal; however, the Section 1 plan specifically speaks against large scale apartment complexes in the area between Purgatory Creek and Wonder World Drive. Mr. Sparks gave a brief overview of the staff report and report on the consistency and inconsistencies of the Plan Policy Statements. He stated that the applicant has provided answers to the inconsistencies of the Plan.

Commissioner DeSoto pointed out that traffic is a big issue. He mentioned that General Commercial zoning would generate greater traffic volume.

Chance Sparks stated that Commercial use will attract traffic. He added that most traffic would travel to business by way of the interstate and felt that students will use Hopkins Street or Wonder World Drive, although either is guaranteed.

Bill Couch stated that a TIA was completed on the project. The information provided by the applicant was reviewed by Sabas Avila, whom indicated that he was in concurrence with the Consultant's report.

Commissioner Stark pointed out that Multi-family zoning will have less traffic and felt that the public may be misinformed regarding traffic analysis of the different type zoning designations.

Commissioner Shy stated that he lives in town and that he uses Hopkins Street to get to Wonder World. He said he was surprised that Multi-family zoning has fewer trips per day.

Commissioner Pounds asked if it is possible that the Hunter Road access be eliminated to help with the traffic problems.

Chance Sparks pointed out that the project requires two points of access.

Larry Peel stated that he anticipates that the back entrance will get more traffic, but was not sure of not having an entrance on Hunter Road.

Mark Wheeler commented that if a commercial development was proposed, they would also be required to have two points of access probably on Hunter. TX Dot has issued two driveway permits.

Ed Theriot, ETR Development Consulting stated that he understand the stigma of multi-family projects. He pointed out that the multi family use will be possibly less than other uses that can go in today without additional entitlement. Mr. Theriot stated that the residential uses allow the city to obtain parkland. He explained that there will be three acres of public parkland along Purgatory creek which will establish the first link of Purgatory Creek pathway. Mr. Theriot mentioned that the other issue in regards to impervious cover of the property, commercial is 80%, multi family up to 75% but with this particular project the PDD is restricted to 60%. Although the proposed development has proposed 41% impervious cover. He added that it is difficult to quantify tax base on a multi family project but he estimated taxes at 360, 000.00 a year with the proposed project.

Commissioner Seebeck expressed his concerns regarding traffic on Hunter Road. He asked the applicant if he would redesign the development to change the exit to Hunter Road.



Mark Wheeler stated he was involved in the design of the project. He explained that they went to TX Dot and was advised which access points are allowed. Mr. Wheeler added that Mr. Peel purchased an additional six acres and has moved the access point for safety reasons.

Mr. Peel stated that he feels that an entrance and exit are needed on Hunter Road. He explained that he has proposed on building a monument fence to the entrance.

Chair Sherwood stated that they understand everyone's concerns. He suggested including the Commissioner's concerns in the PDD.

Commissioner Bryan addressed the comment made regarding discriminating against students stating that was not the intention of the proposed project. He felt that with the higher lease rates that students would not be able to afford the rent. He mentioned that the Wonder World Drive extension was developed to relieve Hopkins Street traffic by 20%. Commissioner Bryan added that the flooding issues have been addressed from the standpoint that any other use would increase the impervious cover. He stated that he still has a big concern of the permanent impact the project will have on the City and can the project maintain the historical impact. He commended the developer on the proposed project.

Larry Peel explained that he will be using a Mediterranean tile roof, limestone and stucco of which will be popular 50-100 years from now. He invited the Commission to go look at other projects he has developed.

Chair Bishop commented that if site was developed as commercial property there are no requirements for parkland dedication. As a residential development, the applicant has proposed to offer more parkland dedication than required. Chair Bishop added that City is fortunate that the property is being developed as residential use and that the City will have three acre parkland and a trail system. He added that he was in support of the request.

Commissioner Bryan and Shy concurred with Chair Bishop. They felt that Multi-family would best fit in the PDD.

Commissioner Stark commented that if the citizens would have hearing discuss regarding the TIA and PDD, they may be in support of the request. He added changing the entrance on Hunter Road would be beneficial to the citizens of San Marcos.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Shy the Commission voted seven (7) for and one (1) opposed, to approve the Future Land Use Map Amendment from General Commercial (GC), Community Commercial (CC) and Open Space (OP), to High Density Residential (HDR) contingent upon the approval of ZC-09-02, and PDD-08-07. The motion carried unanimously. Commissioner Taylor was absent.

**c. ZC-09-02: Zoning change from General Commercial (GC) to Base Zoning of MF-18. The underlying base zoning for the PDD is planned to be MF-18. Subject area includes (Parcel 1 - Lot 4 Hunters Crossing) 12.75 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County and (Parcel 2 - Carson Tract) 9.76 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County Texas.**

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck the Commission voted seven (7) for and one (1) opposed, to approve the Future Zoning Change from General Commercial (GC) to Base Zoning of Multi Family (MF-18) contingent upon the approval of ZC-09-02, and PDD-08-07. The motion carried unanimously. Commissioner Taylor was absent.

**d. PDD-08-07: Zoning change from General Commercial (GC) to Planned Development District. The underlying base zoning for the PDD is planned to be MF-18. Subject area includes (Parcel 1 - Lot 4 Hunters Crossing) 12.75 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County and (Parcel 2 - Carson Tract) 9.76 acres out of J.M Veramendi Survey No. 1 Abstract No. 17 Hays County Texas.**

Bill Couch gave a brief overview of staff report. He explained that wastewater interceptor line has not been discussed. He added that the applicant has proposed to dedicate 25 foot easement for the wastewater line. Mr. Couch stated that the applicant has acquired six acres of the Carson parcel that is in the floodplain as an amenity to the property. Mr. Couch gave a brief overview of the project. He stated that the applicant is still in discussion with Parks and Recreation Board to provide funding or parkland dedication for the greenbelt. Mr. Couch pointed out two items that the applicant has agreed to that are not currently in PDD, no unit may lease more than two parking spaces per leased unit and impervious cover for the PDD will not exceed 60%.

Chair Bishop referred to page 4 of 6 of the staff report Part 4, No. 4.10 Parks and Open Space. Chair Bishop clarified the parkland dedication.

Bill Couch advised the Commission that the parkland dedication is currently at a point of discussion with the Parks and Recreation Advisory Board.

Ed Theriot, ETR Development Consulting stated that the applicant has gone before Parks Board and received a recommendation of approval contingent on the applicant working with Parks and Recreation Director and staff to finalize the issues.

Commissioner Pounds stated that he has seen the Austin properties are they are beautiful and great quality. He commented that there is an issue with traffic and how it affects the community. Commissioner Pounds added that he would like something to be done about the traffic issue and possibly remove the Hunter Road access.

Commissioner Shy stated that he understands all the concerns, although access points are necessary. He commented that people who want to use Hopkins Street will continue to do so.

Commissioner Bryan pointed out that the applicant is required to follow TXDOT regulations. He stated that he is not opposed to the entrance on Hopkins Street.

Chance Sparks explained that ingress and egress of the proposed project.

Kathy Woodlee mentioned that the proposed drive ways are reviewed and that they would not allow something that is completely irresponsible.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Shy the Commission voted seven (7) for and one (1) opposed, to approve the Zoning Change from General Commercial (GC) to Planned Development District (PDD) with the condition that staff and City Council pay attention to alternatives of the ingress and egress from the property on Hopkins Street. The motion carried unanimously. Commissioner Taylor was absent.

## **12. Planning Director's Report**

Chance Sparks advised the Commission that he has resigned from the City of San Marcos. He stated that he will also be working with Cecil Pennington at Office of Rural Community Affairs. He pointed out that his decision did not have anything to do with Chuck Swallow. He felt that the Department was in good hands with Mr. Swallow. Mr. Sparks asked the Commission to be patient with current and any new staff. He added that he would end his tenure with the 2008 Case Report and a Demographic Updates.

### **Commissioners' Report**

Chair Bishop stated that the Commission has enjoyed working with Chance and that he will be missed. He added that he understood that there will be difficult weeks ahead and offered the Commission's assistance.

Commissioner Thomason concurred with Chair Bishop and offered to give Chance a reference at any time in the future.

The Commissioners all thanked Mr. Sparks and wished him well at his new employment.

Chair Bishop asked Commissioner Stark and DeSoto for comments regarding the APA Conference they attended. Commissioner Stark and DeSoto said it was a great conference.

### **13. Consider approval of the minutes from the Regular Meeting of January 27, 2008.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted seven (7) for, zero (0) opposed and one (1) abstained, to approve the Regular Meeting Minutes of January 27, 2009 with corrections. The motion carried unanimously. Commissioner Taylor was absent.

### **14. Questions and answers from the Press and Public.**

There were no questions from the press and public.

### **15. Adjournment**

**MOTION:** Upon a motion made by Commissioner Seebeck and second by Commissioner Thomason, the Commission voted eight (8) for and none (0) opposed, to adjourn the regular meeting of the Planning and Zoning Commission at 8:58 p.m. on Tuesday, February 10, 2009. The motion carried unanimously.

  
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Sherwood Bishop, Chair

  
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Ryan Thomason, Vice Chair

  
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Cecil Pounds, Commissioner

  
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Curtis Seebeck, Commissioner

  
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Bill DeSoto, Commissioner

  
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Randy Bryan, Commissioner

  
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Jim Stark, Commissioner

  
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Allen Shy, Commissioner

ATTEST:

  
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Francis Serna, Recording Secretary

